

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

LEXINGTON INSURANCE COMPANY and  
NATIONAL UNION FIRE INSURANCE  
COMPANY OF PITTSBURGH, PA,

Plaintiffs,

v.

VIRGINIA SURETY COMPANY, INC.

Defendant.

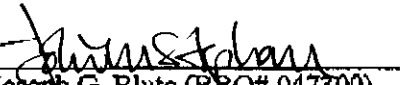
CIVIL ACTION NO. 04-11109 RGS

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 16.1(D)(3)**

In accordance with Local Rule 16.1(D)(3), the undersigned authorized representative for defendant Virginia Surety Company, Inc. and its attorneys hereby certify that they have conferred (1) with a view to establishing a budget for the costs of conducting the full course of, and various alternative courses to, the litigation and (2) to consider alternative dispute resolution programs such as those outlined in Local Rule 16.4.

  
Paul Hennmueller, Esq.

AUTHORIZED REPRESENTATIVE  
OF DEFENDANT VIRGINIA SURETY  
COMPANY, INC.

  
Joseph G. Blute (BBO# 047300)  
John M. Stephan (BBO# 649509)  
Nicholas C. Cramb (BBO# 654368)  
MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO, P.C.  
One Financial Center  
Boston, MA 02111  
(617) 542-6000  
(617) 542-2241 (fax)

ATTORNEYS FOR DEFENDANT  
VIRGINIA SURETY COMPANY, INC.

Dated: August 31, 2004